

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHERYL L. THERIOT,

Plaintiff,

v.

Case No. 11-11363

Honorable John Corbett O'Meara

CHARLES MAHONE,

Defendant.

/

ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

This matter came before the court on defendant Charles Mahone's December 19, 2011 motion for summary judgment. On February 10, 2012, the court ordered plaintiff Cheryl L. Theriot to file a response; and Plaintiff filed her response February 21, 2012. No reply was filed, and no oral argument was heard.

Plaintiff Theriot filed this action alleging that defendant Mahone violated her constitutional rights in connection with a narcotics raid at her home. Plaintiff's only allegation is that Mahone is the head of narcotics for the Detroit Police Department and is thereby responsible for alleged police misconduct during the raid. Plaintiff claims \$3285.00 in cash was taken from her home.

Plaintiff's claims are predicated solely on the theory of vicarious liability. However, absent some manner of personal involvement in the underlying incident, supervisory liability cannot stand; rather, a plaintiff must show specific wrongdoing on the part of the individual defendant. See Rizzo v. Goode, 423 U.S. 362 (1976). Plaintiff Theriot's complaint and all documentation of the subject search shows no direct involvement by defendant Mahone. Having failed to come forward with specific facts to show there is a genuine issue of material fact for trial, Plaintiff has not rebutted

defendant Mahone's motion for summary judgment. See Matsushita Elec. Indus. Co. Ltd. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986).

ORDER

It is hereby **ORDERED** that defendant Charles Mahone's December 19, 2011 motion for summary judgment is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: May 30, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 30, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager